

This report is an EXCERPT from the:

# Iowa Criminal and Juvenile Justice Plan

## *1998 Update*

**CJJP** Division of Criminal & Juvenile Justice Planning  
Iowa Department of Human Rights

February, 1998

Restorative Justice

Community Policing

Electronic Monitoring  
System

Substance Abuse  
Treatment

Probation Entries To  
Prison

Prison Population  
Forecast  
UPDATED! - SEE PUBLICATIONS -  
RECENT REPORTS

Intermediate Criminal  
Sanctions Plan

Equality In The Courts  
Task Force

Sentencing Reform

Juvenile Justice  
Comprehensive Strategy

## **Iowa Criminal and Juvenile Justice Plan -- 1998 Update**

### **ABOUT THE REPORT**

Pursuant to Iowa Code 216A, subchapter 9, CJJP is required to issue an annual report containing long-range systems goals, special issue planning recommendations and research findings. CJJP's 1998 response to its reporting requirement is replicated in the manner of the distribution of the 1997 Update. Again this year, CJJP is issuing one large document which contains many separate reports. Single-issue 1998 Update reports will be made available based on reader interest and need.

Having utilized this disseminating approach of CJJP research and reports in 1997, it proved to be cost effective and responsive to the planning activities and information needs of Iowa's policy makers, justice system officials and others.

**On the cover of this document is a listing of various topics that are the subject of separate CJJP reports issued in February 1998. To receive other 1998 reports, please contact CJJP as indicated below.**

Through the oversight of both the Iowa Juvenile Justice Advisory Council and the Iowa Criminal and Juvenile Justice Planning Advisory Council, CJJP staff are engaged in a variety of research, data analysis, program and policy planning and grant administration activities. Annually, these two advisory councils review long-range justice system goals and identify current issues of concern to be addressed through CJJP's research and planning activities.

**Reports on the issues listed below are being issued through CJJP's 1998 Update and are the result of the planning activities of the Iowa Criminal and Juvenile Justice Planning Advisory Council (CJJPAC) and the Iowa Juvenile Justice Advisory Council (JJAC). A number of this year's reports contain council recommendations. Please note these recommendations were approved by CJJPAC.**

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>● Restorative Justice</li><li>● Community Policing</li><li>● Electronic Monitoring System</li><li>● Substance Abuse Treatment</li><li>● Probation Entries to Prison</li></ul> | <ul style="list-style-type: none"><li>● Prison Population Forecast</li><li>● Intermediate Criminal Sanctions Plan</li><li>● Equality in the Courts Task Force</li><li>● Sentencing Reform</li><li>● Juvenile Justice Comprehensive Strategy</li></ul> |
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Note: Several of the study issues contain information on the various initiatives being conducted in Iowa's eight judicial districts. A map of these districts is located in Appendix A of this report. This map will accompany those individual reports where a judicial district is identified within its contents.

A number of CJJP staff were involved in the research and writing of the reports being issued through this 1998 Update. Primary authorship or significant contributions were as follows:

Richard Moore: CJJP Administrator

Clarence Key, Jr.: “Restorative Justice”  
“Community Policing”  
“Electronic Monitoring System”  
“Substance Abuse Treatment”  
“Intermediate Criminal Sanctions Plan”  
“Equality in The Courts Task Force”  
“Sentencing Reform”

Lettie Prell: “Probation Entries to Prison”  
“Prison Population Forecast”

Laura Roeder: “Prison Population Forecast”

The state prison population forecast was made possible through partial funding by the U.S. Department of Justice, Bureau of Justice Statistics and their program for State Statistical Analysis Centers. Points of view or opinions expressed in this report are those of the Division of Criminal and Juvenile Justice Planning, and do not necessarily reflect official positions of the U.S. Department of Justice.

#### **TO RECEIVE ADDITIONAL CJJP 1998 UPDATE REPORTS**

Reports on the issues listed on the previous page can be obtained by contacting CJJP:

Division of Criminal and Juvenile Justice Planning  
Iowa Department of Human Rights  
Lucas State Office Building  
Des Moines, Iowa 50319

Phone: 515-242-5823  
Fax: 515-242-6119  
email: [cjpp@max.state.ia.us](mailto:cjpp@max.state.ia.us)

#### **AVAILABILITY OF RELATED REPORTS:**

The following CJJP reports are being released at this time separately from the Plan Update. To receive copies of the below listed reports, contact CJJP as described above.

- “Delinquency Resource Guide”, Dave Kuker, CJJP, 1998
- “Juvenile Crime Prevention Community Grant Fund Program”, Dave Kuker, 1998

## **MULTI-YEAR GOALS**

### **INTRODUCTION**

Iowa Code Section 216A.135 requires the Criminal and Juvenile Justice Planning Advisory Council (CJJPAC) to submit a long-range plan for Iowa's justice system to the Governor and General Assembly every five years. The first plan developed after the creation of the Division of Criminal and Juvenile Justice Planning was issued in 1990 and annually updated through 1994. Since 1992, appropriation law has required the CJJPAC to coordinate their planning activities with those of the Iowa Juvenile Justice Advisory Council (JJAC).

In 1995, these two councils developed a new plan consisting of a set of long-range justice system goals to assist policy makers and justice system practitioners as they plan and operate the justice system through the next twenty years. The statutory mandate for such long-range planning requires the identification of goals specific enough to provide guidance, but broad enough to be of relevance over a long period of time. The long-range goals adopted by these councils cover a wide variety of topics and attempt to offer a framework within which current practices can be defined and assessed. Collectively, these long-range goals are meant to provide a single source of direction to the complex assortment of practitioners and policy-makers whose individual concerns and decisions, collectively, define the nature and effectiveness of Iowa's justice system.

The twenty-year goals established in 1995 will be reviewed throughout the councils' statutorily defined five year planning period. They are presented again this year and will continue to be repeated until the councils' next five-year plan is due in the year 2000 or until their direction is deemed inappropriate or unnecessary. The goals presented and discussed below are meant to facilitate analyses and directions for the following areas of justice system issues and concerns:

#### **PLANNING AREAS:**

- **VIOLENCE REDUCTION AND CRIME PREVENTION**
- **PUBLIC CONFIDENCE IN THE JUSTICE SYSTEM**
- **MINORITY OVERREPRESENTATION IN THE JUSTICE SYSTEM**
- **COORDINATION OF GOVERNMENT RESPONSIBILITIES AND SYSTEM OPERATIONS**
- **INFORMATION SYSTEMS -- PLANNING AND MONITORING**
- **TECHNOLOGY**
- **SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR ADULT OFFENDERS**
- **SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR JUVENILE OFFENDERS**

To update the 1995 Plan, the CJJPAC and the JJAC directed staff to conduct new research and continue several initiatives during 1998. Following the review of the many studies, planning efforts, policy debates and other developments now underway in Iowa's justice system, the following concerns and initiatives were selected as most appropriate for the development of 1998 reports and recommendations:

#### **1998 REPORTS:**

##### **Promising Approaches in dealing with Criminal Offenders**

Restorative Justice  
Community Policing  
Electronic Monitoring System

##### **Study Issues**

Substance Abuse Treatment  
Probation Entries to Prison  
Prison Population Forecast

##### **Systemic Planning and Development Activities/Updates**

Intermediate Criminal Sanctions Plan

Equality in the Courts Task Force/Criminal Issues Committee/  
Disproportionate Incarceration Rate of African Americans  
Sentencing Reform  
Juvenile Justice Comprehensive Strategy

Concerns and developments within these areas are considered by the councils to be of particular importance to the planning and administration of the justice system over the next several years. Much attention is being devoted to these areas, and it is the councils' hope that the information presented in this report will be of help as they and others continue to plan and implement system improvements around these areas.

## LONG-RANGE JUSTICE SYSTEM GOALS FOR IOWA

No single goal adopted by the CJPAC and the JJAC and presented below is meant to take precedence over another. Just as the justice system is a complex system of many interrelated and overlapping components, these long-range goals should be viewed collectively as complementary to each other. In developing this plan, the CJPAC and the JJAC determined that such interrelated goals should be established to guide decision-making in the following issue areas:

## ***VIOLENCE REDUCTION AND CRIME PREVENTION***

**GOAL: TO ESTABLISH IOWA AS THE STATE WITH THE LOWEST VIOLENT AND PROPERTY CRIME RATES IN THE NATION.**

Achieve and maintain this status by preventing crime and reducing crime levels through:

- Community-specific crime prevention and early intervention leadership, plans and activities involving public officials, service organizations and community coalitions to address:
  - ◊ DOMESTIC VIOLENCE
  - ◊ CHILD ABUSE
  - ◊ SUBSTANCE ABUSE
  - ◊ TEEN PREGNANCY
  - ◊ PARENTING SKILLS AND FAMILY STABILITY
  - ◊ CITIZEN AND NEIGHBORHOOD EMPOWERMENT
  - ◊ TRUANCY AND DROPOUTS
  - ◊ MENTAL HEALTH SERVICE NEEDS
  - ◊ CRIMINAL GANG ACTIVITIES AND YOUTH PARTICIPATION IN GANGS
  - ◊ UNEMPLOYMENT
  - ◊ ECONOMIC OPPORTUNITIES
  - ◊ ILLITERACY
  - ◊ HOMELESSNESS
- Coordination of state, county and local law enforcement efforts that assures an appropriate sharing of costs, resources and intelligence information for crime prevention, criminal investigations and the apprehension of law violators.
- Defining, structuring, implementing and evaluating a continuum of sanctions and an array of services for adult offenders, delinquents and their families in their home communities that promote law-abiding behavior, family stability and community responsibility.
- Defining, structuring, implementing and evaluating monitoring practices that manage the risks presented by those delinquents and adult offenders providing community service and restitution or receiving community-based sanctions, education, training or counseling.
- Defining, structuring, implementing and evaluating a limited number of secure and other highly structured treatment facilities for a targeted group of delinquents selected according to their need for specialized services and their risk of reoffending.
- Developing and implementing policies and practices that assure the availability of jail and prison space to incapacitate habitual serious offenders and violent criminals.

## ***PUBLIC CONFIDENCE IN THE JUSTICE SYSTEM***

**GOAL: TO ESTABLISH STRONG PUBLIC OPINION THAT THE JUSTICE SYSTEM IS OPERATING EFFICIENTLY AND EFFECTIVELY.**

Public opinion could be affected through:

- Visible enhancement of efforts to improve system efficiency and effectiveness.
- Acknowledgment and acceptance of a responsibility to educate the public (by elected officials, system practitioners, the media and others) of the inherent limitations of a system largely designed to react to individual's and society's problems and shortcomings.
- Better identification, documentation and reporting of effective policies, programs and sanctions.
- Increased likelihood of sanctions that hold offenders accountable and provide restitution to their victims and their communities.
- Increased likelihood of sanctions and offender programming, services and treatment that reduce repeat offending.
- Statewide consensus on appropriate sentence lengths, terms of imprisonment and the retributive and punitive nature of other sanctions.
- Increased citizen participation in the system through community and neighborhood crime prevention groups, use of volunteers in system agencies, and public participation in the development and review of system policies and activities.
- Better reporting and increased awareness of actual volume and nature of crime in Iowa.
- Increased victim supports and participation in the system.

## ***MINORITY OVERREPRESENTATION IN THE JUSTICE SYSTEM***

**GOAL: TO HAVE ALL ASPECTS OF THE JUSTICE SYSTEM FREE OF BIAS, PERCEIVED BIAS AND DISPARATE TREATMENT OF OFFENDERS, VICTIMS OR WITNESSES.**

Bias within the justice system has been documented or has been perceived to exist throughout system components and proceedings. Elimination of bias and the perception of bias can be sought through:

- Increased citizen participation in the system through community and neighborhood crime prevention groups, use of volunteers in system agencies and public participation in the development and review of system policies and activities.
- Increased public awareness of system policies, practices, operations and limitations.
- Appropriate and ongoing training of system officials and agency personnel.
- Development and strengthening of state, local and agency policies and practices that assure equality in offenders' and alleged offenders' exposure and access to the justice system's many and varied types of procedures, sanctions, levels of supervision, services and treatment.
- Development of supervision approaches, treatment programs and other services culturally and environmentally specific and appropriate to meet the needs of persons with diverse cultural backgrounds and life-styles.
- Recruitment and retention of minority persons in all levels of employment and volunteer activities throughout the justice systems.
- Identification and monitoring of statewide, local and agency-specific indicators of bias to enhance public awareness.
- Demonstration of efforts to eliminate bias in the justice system as a model for improving other social systems and institutions (e.g. education, child welfare, employment services, income assistance, substance abuse, mental health, economic development, etc.) whose effectiveness affects the size and nature of the justice system's case load.



## ***COORDINATION OF GOVERNMENT RESPONSIBILITIES AND SYSTEM OPERATIONS***

**GOAL: TO ESTABLISH COMMUNITY-LEVEL PLANS AND ACTIVITIES THAT ASSURE EQUITABLE AND VIABLE JUSTICE SYSTEM SANCTIONS AND SERVICES THROUGH STATE POLICIES THAT PROMOTE EFFICIENT AND EFFECTIVE:**

- **DISTRIBUTION OF RESPONSIBILITIES AMONG LOCAL, COUNTY, STATE, EXECUTIVE AND JUDICIAL BRANCHES OF GOVERNMENT;**
- **COORDINATION OF ALL COMPONENTS OF THE CRIMINAL AND JUVENILE JUSTICE SYSTEM; and,**
- **COORDINATION AMONG THE JUSTICE SYSTEM AND OTHER SOCIAL AND GOVERNMENTAL SYSTEMS AND INSTITUTIONS.**

The list found below describes justice system components and responsibilities with interrelated purposes. The responsibilities for funding, administering and otherwise overseeing these components are now spread among the various branches and units of government. No readily visible, unifying principles or mandates assure their integration. Decisions may be made within one component that have a major impact on other components, but such impact may be either unforeseen or not planned for. Such a lack of coordination may occur at both the specific-case level and within local, regional and state level planning and policy development activities.

The funding and operational responsibilities for some of these components are currently undefined. For others, responsibilities may be shared to varying degrees by a number of governmental units. Still others may be administered unilaterally within narrow applications of component-specific mandates. Justice system components:

- Crime Prevention Programs and Services
- Early Intervention Programs and Services
- Law Enforcement
- Prosecution
- Defense
- Adjudication, Sentencing and Dispositions
- Victim Services
- Delinquency Intake and Waiver Proceedings
- Juvenile Diversion Programs and Services
- Juvenile Detention
- Case Management and Community Supervision of Delinquents
- Placement & Non-placement Programs and Services for Delinquents
- Adult Offender Diversion Programs and Services
- Pre-trial Release Procedures, Programs and Services
- Pre-trial Confinement in Jails and Lockups
- Case Management and Community Supervision of Adult Offenders
- Community-based Programs and Services for Adult Offenders
- Jails and [sentenced] Inmate Programming and Services

- Prisons and Inmate Programming and Services
- Probation Revocation Procedures
- Prison, Probation and Jail Release Procedures
- Parole Revocation Procedures

The decision-makers and various operational activities within some components of the justice system are, in many ways, the same for the criminal justice system and the juvenile justice system (e.g. crime prevention, law enforcement, prosecution, etc.). Many policies and components of the justice system, however, are unique to one or the other of these two related systems. ***Achieving the coordination of all components of the justice system will require additional intergovernmental and multi-agency efforts to plan and manage the interaction of programs and policies within and between the criminal and the juvenile justice systems.***

Both the criminal and the juvenile justice systems rely to a great extent on the resources and programs of other social and governmental systems and institutions to provide treatment and other services to offenders and victims and to support agency operations. Also, the justice system often intervenes in situations involving interactions among other systems' programs, services and clients. ***Equally important as a coordinated justice system is a justice system whose policies and practices are coordinated with the policies and practices of other governmental systems, including:***

- Education
- Public Health
- Mental Health, Mental Retardation and Developmental Disabilities
- Civil Rights
- Employment & Job Training
- Substance Abuse
- Public Welfare
- Child Abuse and Neglect

It is at the community level where system inefficiencies and ineffectiveness are most visible, and it is at the community level where the best chance exists for achieving true coordination of activities. ***State and county policies controlling funding, programs and operations should empower communities to develop and support coordinated approaches that are efficient and effective and that are consistent with the statewide goals of assuring equitable and viable justice system sanctions and services.*** Officials and agencies should be given the authority, responsibility and resources to accomplish these goals at the community level.

## ***INFORMATION SYSTEMS—PLANNING AND MONITORING***

**GOAL: TO ESTABLISH INTEGRATED JUSTICE SYSTEM INFORMATION REPORTING CAPABILITIES AND PROCEDURES THAT PROVIDE PRACTITIONERS, OFFICIALS AND POLICY MAKERS WITH THE INFORMATION THEY NEED TO CARRY OUT THEIR RESPONSIBILITIES AND TO MONITOR AND EVALUATE JUSTICE SYSTEM POLICIES AND PROGRAMS.**

Information systems to more fully develop, improve and integrate:

- Incident-Based Uniform Crime Reports
- Criminal History Records
- Prosecution Activities and Outcomes
- Iowa Court Information System
- Department of Corrections Information Systems
- Department of Human Services Information Systems
- Division of Substance Abuse and Health Promotion Information Systems
- Other

Information needed from data systems:

Case-specific data for:

- Investigations and arrests
- Background checks
- Release/custody decisions
- Adult court charging and sentencing decisions
- Juvenile court intake and disposition decisions
- Supervision, service and treatment planning and monitoring
- Program and service eligibility determinations
- Other

State, local and program-specific aggregate data for:

- Budget development and resource allocation
- Policy & program evaluation and monitoring
- Other

## ***TECHNOLOGY***

**GOAL: TO UTILIZE ADVANCED TECHNOLOGIES THAT MAXIMIZE EFFICIENCY, SUPPORT PROGRAM AND POLICY EVALUATIONS AND PROMOTE EFFECTIVE AND EQUITABLE JUSTICE, SERVICES, AND PUBLIC PARTICIPATION.**

System operations include:

- Investigation and discovery
- Court proceedings
- Incarceration and detention
- Offender supervision, services and treatment
- Fine assessment and collection
- Victim services and treatment
- Mediation services
- Witness assistance
- Jury selection and support
- Community crime prevention and public participation
- Administration, planning, evaluation and monitoring
- Other

Advanced technology areas:

- Data collection, management and reporting
- Communications
- Transportation
- Forensics
- Surveillance, monitoring and supervision
- Crime prevention through environmental design
- Office and facility operations
- Planning and evaluation methodology
- Education and training for:
  - ◊ offenders
  - ◊ system officials and practitioners
  - ◊ citizen groups and general public

## ***SANCTIONS, SUPERVISION, TREATMENT, AND SERVICES FOR ADULT OFFENDERS***

**GOAL: TO ADMINISTER SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR ADULT OFFENDERS THAT ARE EQUALLY ACCESSIBLE AND APPLIED CONSISTENTLY ACROSS THE STATE AND THAT HAVE BEEN DOCUMENTED AS EFFECTIVE IN THEIR ABILITY TO:**

- **DETER OFFENDERS AND POTENTIAL OFFENDERS FROM ENGAGING IN FUTURE CRIMINAL BEHAVIOR;**
- **PROTECT THE PUBLIC AND MANAGE OFFENDER RISKS IN A COST EFFECTIVE MANNER USING LEAST RESTRICTIVE, APPROPRIATE MEASURES;**
- **PROVIDE ADULT OFFENDERS WITH THE REQUIREMENT AND OPPORTUNITY TO MAKE REPARATION TO THEIR VICTIMS; and,**
- **PROVIDE ADULT OFFENDERS THE OPPORTUNITY TO MAINTAIN, REGAIN OR ACHIEVE THE CAPACITY TO REMAIN IN, OR RETURN TO, THE GENERAL POPULATION AS LAW ABIDING, CONTRIBUTING CITIZENS.**

Achieving this goal will involve the continuation or development of a variety of activities and initiatives:

- Determining the relative deterrent effects of sanctions with different conditions, intensities and time periods (jail, prison, probation monitoring and programming, intensive supervision, community service, fines, etc.) and determining how such deterrent effects vary for people with different backgrounds, education and skill levels, impulse control and rational-thinking capacities, ties to family and community, etc.
- Establishing or strengthening risk assessment and risk management procedures for all stages of justice system decision-making.
- Defining, structuring and supporting the use of intermediate sanctions and improving offender assessment and monitoring tools to help court, parole, and correctional officials select and provide sanctions, supervision, treatment and other services that are appropriate to offenders' needs and the public safety risks they present.
- Ongoing review and improvement of the ability of prisons and jails to serve as deterrents, to incapacitate habitual repeat offenders and violent predators, and to provide treatment and services needed by incarcerated offenders who will be returning to the general population to increase their skills and capacities to be law abiding, contributing citizens.
- Expanding current capacity to evaluate the effectiveness of sanctions, supervision and monitoring procedures, offender treatment and other services.

- Enhancing prison and jail work programs to provide inmates with income with which to make restitution, and strengthening community-based programs' activities to facilitate offender restitution, community service and other forms of victim/community reparation.
- Providing initial, ongoing and coordinated training for the system's many officials and practitioners to facilitate system improvements and to encourage more effective integration of system components.

## ***SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR JUVENILE OFFENDERS***

**GOAL: TO ADMINISTER SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR JUVENILE OFFENDERS THAT ARE EQUALLY ACCESSIBLE ACROSS THE STATE AND THAT HAVE BEEN DOCUMENTED AS EFFECTIVE IN THEIR ABILITY TO:**

- **DETER JUVENILE OFFENDERS AND POTENTIAL OFFENDERS FROM ENGAGING IN FUTURE CRIMINAL BEHAVIOR;**
- **PROTECT THE PUBLIC AND MANAGE OFFENDER RISKS IN A COST EFFECTIVE MANNER USING LEAST RESTRICTIVE, APPROPRIATE MEASURES;**
- **PROVIDE JUVENILE OFFENDERS WITH THE REQUIREMENT AND OPPORTUNITY TO MAKE REPARATION TO THEIR VICTIMS; and,**
- **ASSURE THAT JUVENILE OFFENDERS RECEIVE THE PROTECTION, TRAINING, DISCIPLINE, BASIC LIVING NECESSITIES AND CARE AND TREATMENT GUARANTEED ALL CHILDREN IN IOWA.**

Achieving this goal will involve the continuation or development of a variety of activities and initiatives:

- Determining the relative deterrent effects that sanctions with different conditions, intensities and time periods have on children and youth (group placement and treatment facilities, State Training School, probation monitoring and programming, intensive supervision, community service, restitution, waivers to adult court, etc.) and determining how such deterrent effects vary for children and youth with different backgrounds, education and skill levels, impulse control and rational-thinking capacities, ties to family and community, etc.
- Establishing or strengthening risk assessment and risk management procedures for all stages of juvenile justice system decision-making.
- Defining, structuring and supporting the use of a range of community-specific early intervention services and dispositional options and improving assessment and monitoring tools to help the court and human service officials select and provide supervision, treatment and other services to juveniles and their families that are least restrictive and appropriate to the needs of juvenile offenders and to the public safety risks they present.
- Expanding current capacities to evaluate the effectiveness of sanctions, supervision and monitoring procedures, treatment and other services to juveniles and their families.

- Strengthening efforts in cases involving both placement and non-placement supervision and services to facilitate restitution, community service and other forms of victim/community reparation.
- Developing policies, procedures and funding approaches that allow for offender-specific continuity between the juvenile justice and adult correctional systems of supervision, treatment and services.
- Providing initial, ongoing and coordinated training for the system's many officials and practitioners to facilitate system improvements and to encourage more effective integration of system components.
- Providing training to community members to assist them identify community risks and protective factors related to juvenile delinquency, and to aid their efforts to reduce risks, strengthen protective factors, prevent juvenile crime and respond appropriately to the needs of their children and youth.



### ***HOW CAN THESE GOALS BE ATTAINED?***

As was stated when these goals were first introduced, many officials, practitioners and others will need to agree with these goals and work towards them cooperatively. This report, however, is primarily intended to serve as a guide to the Governor and General Assembly as they continue to respond to proposals and to develop initiatives to address immediate justice system issues and concerns. The goals were developed in recognition of much-publicized concerns and debates over crime and delinquency; they are offered to provide the state with a long-range vision with which to view the appropriateness of proposed reactions to current concerns.

When these goals were first established in 1995, it was recommended that no justice system policy or program change be made without a documented consideration of the extent to which the change will assist, and not hinder, the state's ability to attain these long-range goals. Because this has not occurred, the above information accompanying each goal statement is repeated again this year with the hope that it will assist decision makers as they seek funding priorities and policy and program initiatives to achieve comprehensive, long-term system improvements and a more effective criminal and juvenile justice system.

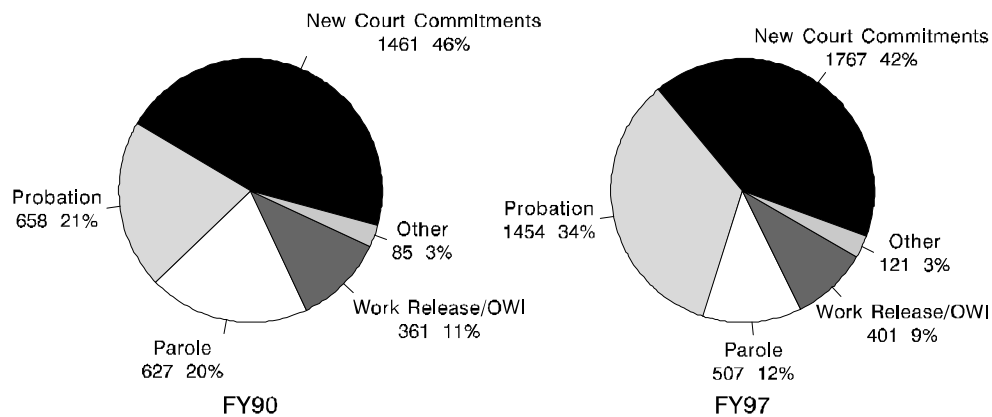
## STUDY ISSUE

### PROBATION ENTRIES TO PRISON

When selecting study areas for its FY98 activities, the Criminal and Juvenile Justice Planning Advisory Council directed staff to provide information to describe probation revocations to prison, and use of the short-term, prison-based Violator Program for probationers. This report discusses both topics.

As shown in the following charts, the proportion of prison admissions from probation grew from about 21% of all admissions in FY90 to about 34% of all admissions in FY97. Roughly half of this growth (47%) is due to an increase in probation revocations; the remainder of the increase is due to the use of the Violator Program for probation violators.

Prison Admissions By Type  
FY90 & FY97



Source: E-1 Reports

#### Prison Admissions: Probation Violators

	FY90	FY91	FY92	FY93	FY94	FY95	FY96	FY97	% Increase FY90-97
<b>Full-Time Incarceration:</b>									
Probation Revocations	591	545	635	701	811	865	925	929	57.2%
Shock Prob. Revocations	67	67	77	71	93	102	75	102	52.2%
<b>Short-Term Incarceration:</b>									
Violator Program Admits				69	301	338	381	423	---
<b>Total Probation Entries</b>	<b>658</b>	<b>612</b>	<b>712</b>	<b>841</b>	<b>1,205</b>	<b>1,305</b>	<b>1,381</b>	<b>1,454</b>	<b>121.0%</b>

Source: E-1 Reports

### Probation Populations & Percent Entering Prison

	FY90	FY91	FY92	FY93	FY94	FY95	FY96	FY97	% Increase FY90-97
Yearend Probation Population	13,964	14,329	16,823	18,476	18,443	18,740	18,386	21,291	52.5%
Probation Revocations to Prison as % of Population	4.7%	4.3%	4.2%	4.2%	4.9%	5.2%	5.4%	4.8%	
Total Probation Entries to Prison as % of Population	4.7%	4.3%	4.2%	4.6%	6.5%	7.0%	7.5%	6.8%	

Source: E-1 Reports, ICBC, 5th and 6th district departments of correctional services

To what extent is the observed increase in probation entries into prison explained by an increase in probationers across the state? Unfortunately, we lack information regarding probation recidivism rates (i.e., a study of the eventual outcomes of groups of offenders placed on probation during a given time period), so we do not know definitively whether probationers are being revoked at an increasing rate. Additionally, analysis of probation revocations to *prison* is hampered by a lack of available data prior to FY94 concerning the numbers of probationers under supervision who were felons (since misdemeanants are normally revoked to jail rather than prison).

A common substitute measure for recidivism used in many studies across the nation is the number of probation revocations divided by the ending probation population for the period under study. As shown in the chart above, there has been relative stability in the number of probation revocations expressed as a percent of the yearend probation population. However, when entries to the Violator Program are included in the equation, an increased use of prison to sanction probation violators is observed.

This information suggests that use of the Violator Program for probationers has resulted in “net-widening”; that is, it appears that probation violators who would otherwise have not received a prison sanction are now receiving imprisonment, albeit a brief stay. An alternate view, however, is that the Violator Program is attempting to address an offender’s violating behavior before it becomes so chronic or severe that revocation is the only option. If this is the case, then a reduction in probation revocations to prison should be observed. So far, no such reduction has been detected.

In the meantime, it appears prudent to more fully study assignment of probationers to the Violator Program, because those who unsuccessfully complete the program are usually revoked to prison. According to the program database obtained from the Iowa Consortium for Substance Abuse Research and Evaluation, 82% (94 out of 115 offenders for whom data were available) of probationers discharged unsuccessfully from the Violator Program since its inception were revoked to prison.

## **The Violator Program**

The Violator Program was established as an outcome of the work of the Iowa Corrections System Review Task Force in 1990. Its original purpose was “to provide an intermediate sanction for individuals who would otherwise be admitted to the prison system.”<sup>1</sup>

However, as the program evolved, this policy changed because “program staff felt that it would be more effective if violators were referred to the program earlier in their violation histories.”<sup>2</sup>

One hundred beds at the Newton Correctional Facility (for men), and 60 beds at the Correctional Institution for Women were initially dedicated to the Violator Program. The women’s unit, however, was cut to 30 beds due to lack of demand. During the first week of November, 1997, there were about 15 women participating in the Violator Program, according to the Department of Corrections’ weekly population report.

The Violator’s unit at Newton was reduced in size and limited to 75 beds because class sizes were inappropriately large, leading to disruptive behavior among the participants. During the first week of November, 1997, about 86 men were participating in the Violator Program, according to the Department of Corrections’ weekly population report. There were about 100 men on the waiting list for the Violator Program in late November, 1997, according to the Department of Corrections.

The Violator Program was originally designed for parole violators experiencing substance abuse relapse. However, the program underwent a major change in FY93. Based on the “Reasoning and Rehabilitation” model developed by R.R. Ross and associates, the 60-day program is now aimed at changing offenders’ thinking styles that lead them to make less than optimum decisions in their lives, including the choice to engage in criminal activity. Also during FY93, the Violator Program began to accept probation violators. These program participants are not revoked (although at least in some jurisdictions the judge must approve the placement). Rather, community supervision is suspended while the probationers are in the program. Following discharge, they return to probation supervision.

Recidivism rates of probationers completing the Violator Program (tracked for two years following release from the program) is 54% for men and 45.5% for women.<sup>3</sup> It is unknown how this recidivism rate compares with similarly situated offenders who were not placed in the Violator Program. However, it does appear that Violator Program recidivism rates may be improved by ensuring that offenders referred to the program have problem solving deficits, as shown on a pre-test.<sup>4</sup> No such pre-testing is currently occurring to determine eligibility for the Violator Program, according to the Department of Corrections.

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<sup>1</sup> Iowa Consortium for Substance Abuse Research and Evaluation, *An Evaluation of the Violator Program: Year One Report* (August, 1994), p. 1.

<sup>2</sup> Iowa Consortium for Substance Abuse Research and Evaluation, *An Evaluation of the Violator Program: Final Report* (August 1997), p. 3.

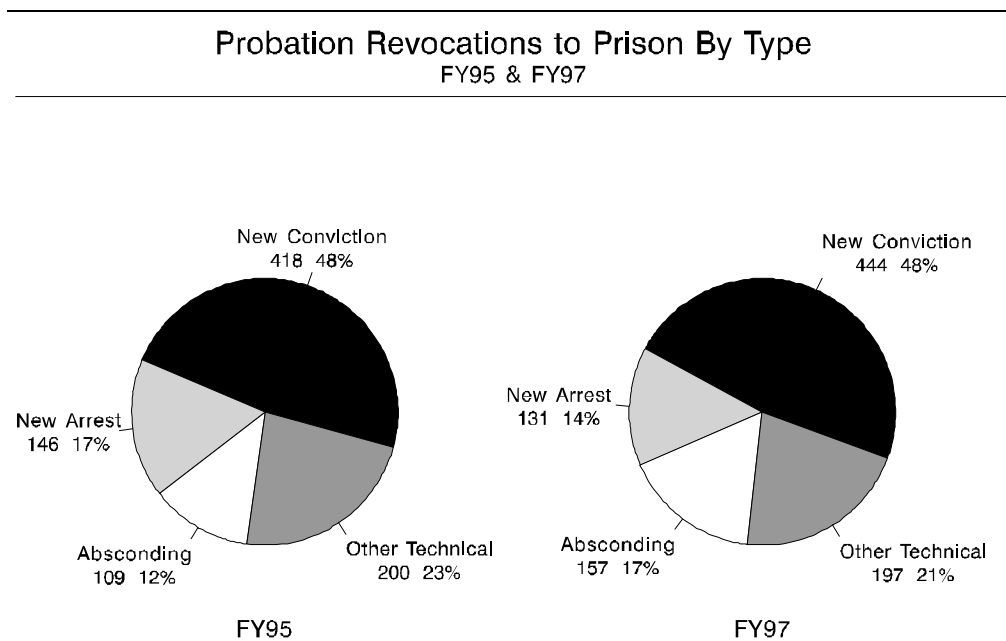
<sup>3</sup> *Ibid.*, p. 35.

<sup>4</sup> *Ibid.*, pp. 40-41. The report contains further information on how offenders might be better targeted for participation in the Violator Program.

In sum, it appears that use of the Violator Program for probationers has resulted in the short-term incarceration of offenders who, prior to the program's inception, would not have received imprisonment. While recidivism of the program's graduates appears to be high, there also appears to be an opportunity to better define the program's target population. These findings raise an important policy question: is there a population of probation violators now receiving full-time incarceration (following probation revocation to prison), who could benefit from the Violator Program? The discussion in the following section suggests that such a group of offenders may exist.

### Probation Revocations to Prison

CJJP analysis of prison reception reports (usually including information from probation violation reports or conversations with the probation officer) as well as other sources document little change in the reasons for probation revocation to prison for those revoked in FY95 versus FY97 (due to lack of information on some cases, reasons for revocation in FY95 were estimated based on cases where data were available). As shown in the following chart, about 48% of those revoked in both years were convicted of new offenses; another 14% to 17% were revoked for incurring new arrests.



Source: Prison Reception Reports; ACIS; ICBC

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Regarding new convictions, about half were for felony offenses, and half for misdemeanor offenses in both years. Regarding new arrests not leading to conviction, most were for misdemeanor offenses (94% in FY95; 79% in FY97).

How does Iowa's data regarding the reasons for probation revocation compare with other

states? Unfortunately, available information varies widely. According to one national source, 33.4% of state probationers returned to custody for cause during 1996 had been arrested or convicted, while 66.6% were returned for other reasons.<sup>5</sup> However, a 1991 study of probation violators in 277 state correctional facilities nationwide found that 74% of probation violators had been convicted of a new offense, and another 23% had been arrested.<sup>6</sup> Some states have ceased altogether the practice of revoking probationers to prison for technical violations.<sup>7</sup>

In further evaluating Iowa probation revocations to prison during FY97, it was found that about 43% (of offenders with available risk scores) were considered low risk for further recidivism, according to the Iowa Board of Parole's risk assessment. About 18% were committed for non-violent misdemeanors, and about 65% were committed for non-violent Class C or Class D felonies (based on the lead offense). This information suggests that opportunities may exist to provide alternatives to full-time incarceration for a portion of probationers now being revoked to prison. Depending upon problem solving deficits within this population and other factors identified as being appropriate for Violator Program placement, this short-term, prison-based program may be one solution to reducing probation revocations to prison.

### **Comments**

The recommendations that follow this section address several issues raised in this report, including:

- that the use of the Violator Program was expanded from serving parolees to include probationers via suspension of supervision rather than revocation; it appears that the probation suspension practice has resulted in the short-term imprisonment of offenders who, prior to the program, would not have been sent to prison
- that there are low-risk, non-violent probationers being revoked to prison for technical violations who may be suitable candidates for the short-term Violator Program
- that research demonstrates that the Violator Program works best for offenders who score deficient on cognitive skills as per a pre-test
- that some of the space originally devoted to the Violator Program is not being used for this purpose

### **RECOMMENDATIONS**

- **The Council recommends that the Department of Corrections and the Board of Parole develop a procedure that would result in a portion of revoked probationers being assigned to the Violator Program, with subsequent parole**

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<sup>5</sup> Criminal Justice Institute, *The 1997 Corrections Yearbook*, p. 154. The number of states included in this analysis is unknown.

<sup>6</sup> Bureau of Justice Statistics, U.S. Department of Justice, *Probation and Parole Violators in State Prison, 1991* (August 1995), p. 2.

<sup>7</sup> Toborg Institute for Research Applications, *Iowa Corrections in the Year 2000: A Ten-Year Correctional Master Plan* (January 1990), p. 42.

upon successful completion. This procedure should include the identification of low risk technical probation violators at the Iowa Medical and Classification Center, who would then be tested for cognitive skill deficiencies. Those scoring deficient on cognitive skills would then be considered for Violator Program placement. It is recommended that those *not* scoring deficient on cognitive skills be considered for alternative programming at Violator Facilities.

- The Council recommends that the Department of Corrections institute procedures that would provide for testing of cognitive skill deficiencies prior to an offender's admission to the Violator Program, and consider alternative programming at Violator Facilities for those *not* testing deficient in cognitive skills.
- The Council recommends that the Newton Violator Facility be expanded to its originally designed size.